

104TH CONGRESS
1ST SESSION

S. 713

To amend the Employee Retirement Income Security Act of 1974 to provide that the preemption provisions shall not apply to certain State of Oregon laws applicable to health plans.

IN THE SENATE OF THE UNITED STATES

APRIL 7 (legislative day, APRIL 5), 1995

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Employee Retirement Income Security Act of 1974 to provide that the preemption provisions shall not apply to certain State of Oregon laws applicable to health plans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXEMPTION FROM ERISA PREEMPTION OF**
4 **CERTAIN PROVISIONS OF THE LAW OF THE**
5 **STATE OF OREGON RELATING TO HEALTH**
6 **PLANS.**

7 (a) IN GENERAL.—Section 514(b) of the Employee
8 Retirement Income Security Act of 1974 (29 U.S.C.

1 1144(b)) is amended by adding at the end the following
2 new paragraph:

3 “(9)(A) Subsection (a) shall not apply to the
4 following provisions of the law of the State of Or-
5 egon:

6 “(i) Chapter 591, Oregon Laws 1987,
7 chapter 381, Oregon Laws 1989, and chapter
8 916, Oregon Laws 1991 (relating to employer-
9 based health plan coverage reforms).

10 “(ii) Chapter 815, Oregon Laws 1993 (re-
11 lating to phasing in of employer coverage and
12 other revisions of the Oregon Health Plan).

13 “(iii) Any other provision of the law of the
14 State of Oregon, to the extent that such provi-
15 sion is enacted to achieve or further the objec-
16 tives of the Oregon Health Plan.

17 “(B) To the extent any provision of the law of
18 the State of Oregon exempted under subparagraph
19 (A) provides, directly or indirectly, for taxation of
20 employers or group health plans, the exemption
21 under subparagraph (A) shall apply only if under
22 such provision the assessment of the tax is under a
23 uniform schedule, applicable to all employers and
24 group health plans, and does not discriminate on the

1 basis of the extent to which a group health plan is
2 insured.”.

3 (b) APPLICABILITY OF FEDERAL HEALTH REFORM
4 LEGISLATION.—The State of Oregon shall not be treated
5 as failing to comply with applicable requirements of any
6 Federal health reform law, which is enacted on or after
7 the date of the enactment of this Act and which provides
8 for coverage of individuals under a comprehensive benefit
9 package, before the first day of the first calendar year fol-
10 lowing the calendar year in which all other States have
11 in effect plans under which individuals are eligible for cov-
12 erage under a comprehensive benefit package in compli-
13 ance with such law.

○